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# Antipodal Texts: B. Eruvin 21b–22a and Mark 7:1–23 on the Tradition of the Elders and the Commandment of God

SHAYE J.D. COHEN

Recent years have seen intense scholarly discussion on the cultural setting of the Babylonian Talmud (the Bavli), in particular the Bavli's relationship with Persian and Greek, Sassanid culture and Hellenism, and Mesopotamian Christianity and the cultures of the eastern Roman empire.<sup>1</sup> Mesopotamia in the second century CE and onwards had a

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\* This essay has been much improved by the comments, suggestions, and bibliographical assistance of my friends Richard Kalmin, Laura Nasrallah, and Jeffrey Rubenstein; my thanks too to the editor Annette Yoshiko Reed for her insightful suggestions. To save space I present the primary texts only in translation. Lest I be misunderstood, I would like to state explicitly that at no point in this paper do I intend to make any claim about the historical Jesus or the historical Pharisees. Similarly, although I believe that Matthew 15:1–20 is secondary to Mark 7:1–23, and that Luke 11:38 is secondary to Mark 7:2, in this paper I make no claims about their interrelationship or their *Nachleben*. I focus on Mark 7 because it is the fullest version of Jesus' polemic about human tradition.

<sup>1</sup> On Mesopotamian Christianity and the Bavli, see e.g. Adam H. Becker, "The Comparative Study of 'Scholasticism' in Late Antique Mesopotamia: Rabbis and East Syrians," *AJS Review* 34 (2010): 91–113; Richard Kalmin, *Migrating Tales: Contextualizing the Babylonian Talmud* (Berkeley: University of California Press, forthcoming); Shlomo Naeh, "Freedom and Celibacy: A Talmudic Variation on Tales of Temptation and Fall in Genesis and its Syrian Background," in *The Book of Genesis in Jewish and Oriental Christian Interpretation*, ed. Lucas van Rompay (Leuven: Peeters, 1997), 73–89; and the forthcoming work of Michal Bar-Asher Siegal. On the Bavli's connections with the culture of the eastern Roman Empire, see Richard Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford University Press, 2006). On the Bavli's connections with Sassanid/Persian culture and society, see the recent books and articles by (among others) Yaacov Elman (especially his "Middle Persian Culture and Babylonian Sages," in *The Cambridge Companion to the Talmud and Rabbinic Literature* [Cambridge: Cambridge University Press, 2007], 165–97), Shai Secunda (especially his "Reading the Bavli in Iran," *Jewish Quarterly Review* 100 [2010]: 310–42), Geoffrey Herman, and Yishai Kiel, and, in general, *The Talmud in its Iranian Context*, ed. Carol Bakhos and Rahim Shayegan (Tübingen: Mohr Siebeck,

substantial population of Christians, not just in the north, home to the large and important Christian communities of Edessa and Nisibis, but also in Babylonia in the south, where the rabbis were.<sup>2</sup> So rabbinic and Christian sages could have chatted with each other on the streets of Mahoza or traded stories in the markets of Seleucia-Ctesiphon. They could have – did they? And when they met – if they met – what did they talk about? Did the rabbinic sages learn the truth claims of Christianity? The stories of the Gospels?<sup>3</sup> Pauline theology? Did the sages defend Jewish truth claims in reply? Did the *amoraim*, the named authorities of the Talmud, know something about Christianity, or was this the preserve of the anonymous editors and tradents? All of these questions are the subject of ongoing research.

In this essay I would like to introduce the notion of *antipodality*. Sometimes a Christian text and a rabbinic text are *antipodal* one to the other. One is North to the other's South, Up to the other's Down, Yin to the other's Yang. I identify here one such textual pair: Mark 7:1–23 and B. Eruvin 21b–22a. Each of these passages is the work of an anonymous editor (or editors); each is a complex and multi-layered assembly of materials. We may safely assume that the gospel of Mark, usually dated around 70 CE, did not know B. Eruvin 21b–22a, a cento of statements attributed almost entirely to Babylonian amoraim of the mid-fourth century CE and edited who-knows-how-many decades or centuries later; but did the editor of B. Eruvin 21b–22a know, or know of, Mark 7? I do not see any convincing evidence that he<sup>4</sup> did, even if I am convinced that the Bavli passage in some sense is a response to Mark 7 or to Christian truth claims growing out of Mark 7. Since I cannot answer the question of

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2010). On “Hellenism in Jewish Babylonia,” see the article with that title by Daniel Boyarin in *Cambridge Companion to the Talmud*, 336–63.

<sup>2</sup> David Bundy, “Early Asian and East African Christianities,” in *Cambridge History of Christianity*, vol. 2: *Constantine to ca. 600*, ed. A. Casiday and F.W. Norris (Cambridge: Cambridge University Press 2008), 131–35.

<sup>3</sup> The citation of Matthew 5:17 in B. Shabbat 116a is the only explicit citation of the New Testament in the Bavli. See Holger Zellentin, *Rabbinic Parodies of Jewish and Christian Literature* (Tübingen: Mohr Siebeck, 2011), 137–66 (including a discussion of the Bavli's knowledge of Christianity, 138–43). Peter Schäfer conjectures that the Bavli knows the Gospel of John; see his *Jesus in the Talmud* (Princeton: Princeton University Press, 2007), 122–29. See also Moshe Halbertal and Shlomo Naeh, “*Ma'ayanei ha yeshuah*: Exegetical Satire and Response to the Heretics” [Hebrew], in *Higayon L'Yona: New Aspects in the Study of Midrash, Aggadah, and Piyut in Honor of Professor Yona Fraenkel*, ed. Joshua Levinson et al. (Jerusalem: Magnes, 2006), 179–97 and Aaron Amit, “A Rabbinic Satire on the Last Judgment,” *Journal of Biblical Literature* 129 (2010) 679–97 (with further bibliography).

<sup>4</sup> I assume that the editor was a he.

who knew what, I would like to focus instead on the rival truth claims of these antipodal texts.

***Mark 7:1-23: Tradition of the elders vs. the commandment of God***

I begin with Mark 7. This is a well-known and much discussed passage.<sup>5</sup> Here is the NRSV translation with some modifications.

[1] Now when the Pharisees and some of the scribes who had come from Jerusalem gathered around him, [2] they noticed that some of his disciples were eating loaves of bread<sup>6</sup> with defiled<sup>7</sup> hands, that is, without washing them. [3] (For the Pharisees and all the Judaeans<sup>8</sup> do not eat unless they thoroughly<sup>9</sup> wash their hands, thus observing the tradition of the elders; [4] and when coming<sup>10</sup> from the market they do not eat anything unless they immerse<sup>11</sup>; and there are also many other traditions that they observe, the washing of cups, pots, and bronze kettles.) [5] So the Pharisees and the scribes asked him, “Why do your disciples not live<sup>12</sup> according to the tradition of the elders, but eat bread with defiled hands?” [6] He said to them, “Isaiah prophesied rightly about you hypocrites, as it is written, *This people honors me with their lips, but their hearts are far from me; [7] in vain do they worship me, teaching human precepts as doctrines* (Isaiah 29:13). [8] You abandon the commandment of God and hold to human tradition.”

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<sup>5</sup> For a full discussion with a thorough and judicious assessment of recent bibliography, see Adela Yarbro Collins, *Mark: A Commentary* (Hermeneia; Minneapolis: Fortress, 2007).

<sup>6</sup> Lit. “breads.”

<sup>7</sup> Lit. “common” (in the sense of “ordinary, not special”). In Jewish Greek this means either “not holy” or “not in a state of ritual purity.”

<sup>8</sup> “Judaeans,” not “Jews,” is probably meant; Mark explains that the Pharisees and some of the scribes had come from Jerusalem. For the distinction between “Judaeans” and “Jews,” see Shaye J.D. Cohen, *The Beginnings of Jewishness* (Berkeley: University of California Press, 1999), 69–106. Water basins that may have served for the washing of hands have been found in Judaea at Masada and Jerusalem; see Asher Grossberg, “The Mikva’ot (Ritual Baths) at Masada,” in *Masada VIII: The Yigael Yadin Excavations 1963–1965 Final Reports*, ed. J. Aviram et al. (Jerusalem: Israel Exploration Society, 2007), 95–126, at 118–22. Such basins have not (yet) been found in Galilee.

<sup>9</sup> Lit. “with a fist”; meaning of Greek uncertain.

<sup>10</sup> The phrase “when coming” appears in some manuscripts, but is implied in any case.

<sup>11</sup> I translate *baptisôntai*; cf. Luke 11:38. NRSV translate “unless they wash it,” which reflects the reading *rhantisôntai*, lit. “sprinkle.” This Marcan insertion would seem to be intended to explain the practice of washing hands before eating, but with its reference to immersion and sprinkling it confuses the issue.

<sup>12</sup> Lit. “go, walk.” Matthew 15:3 is stronger, “why do your disciples transgress the tradition of the elders.”

[9] Then he said to them, “You have a fine way of rejecting the commandment of God in order to keep your tradition! [10] For Moses said, *Honor your father and your mother* (Exodus 20:12), and *Whoever speaks evil of father or mother must surely die* (Exodus 21:17). [11] But you say that if anyone tells father or mother, ‘Whatever support you might have had from me is *korban* (that is, a gift<sup>13</sup>)’ – [12] then you no longer permit him to do anything for a father or mother, [13] thus making void the word of God through your tradition that you have handed on. And you do many things like this.”

[14] Then he called the crowd again and said to them, “Listen to me, all of you, and understand: [15] there is nothing outside a person that by going in can defile him, but the things that come out of a person are what defile him.”<sup>14</sup> [17] When he had left the crowd and entered the house, his disciples asked him about the parable. [18] He said to them, “Then do you also fail to understand? Do you not see that whatever goes into a person from outside cannot defile him, [19] since it enters, not the heart but the stomach, and goes out into the sewer<sup>15</sup>?” (Thus he declared all foods pure.) [20] And he said, “It is what comes out of a person that defiles a person. [21] For it is from within, from the human heart, that evil intentions come: fornication, theft, murder, [22] adultery, avarice, wickedness, deceit, licentiousness, envy, slander, pride, folly. [23] All these evil things come from within, and they defile a person.”

Mark 7:1–8 is the main passage that concerns us here. The Judaeian practice of washing hands before eating provides the point of departure for Jesus’ attack against the Pharisees and the scribes, on the grounds that they “abandon the commandment of God and hold to human tradition” (7:8). The attack is buttressed by appeal to Isaiah 29:13 (in the LXX version). A second alleged Pharisaic ruling, this one about the alienation of funds through a technical oath formula (*korban*), provokes the same response: they make void the word of God by upholding their own tradition (7:9–13). In verses 14–23 the polemic against the washing of hands before meals leads to the assertion (15) that “there is nothing outside a person that by going in can defile him, but the things that come out of a person are what defile him.”<sup>16</sup> “The things that come out of a person” is explained in the following verses (fornication, theft, murder, etc.).

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<sup>13</sup> A gift to God, that is, to the temple.

<sup>14</sup> Mark 7:16, *if anyone has ears to listen, let him listen*, is omitted by the NRSV (and most other modern translations) because it is omitted in many testimonia.

<sup>15</sup> “Sewer” translates *okheton*, the reading of ms. D; other manuscripts read *aphedrôna*, “toilet,” lit. “the seat-apart” or “separate-seat.”

<sup>16</sup> As many scholars have noted, Romans 14:14 may allude to the saying preserved in Mark 7:15.

The main interpretive challenge posed by this passage (aside from various textual difficulties<sup>17</sup>) is its (in)coherence. The second paragraph (verses 9–13), like the first (verses 1–8), attacks the evils of “tradition,” but otherwise seems to interrupt the connection between the first and third paragraphs, both of which are concerned with food. Furthermore, the anti-tradition polemic subtly shifts between the first paragraph (1-8) and the second (9-13). In the first paragraph Jesus does not argue that washing hands necessarily leads to the violation of any specific commandment. His critique, rather, is broad. He argues that washing hands before eating betokens misdirected piety and misplaced priorities, what later Christians would call “legalism.”<sup>18</sup> Hence the Pharisees and scribes, the proponents of tradition, are called “hypocrites.” In the second paragraph, however, the polemic is different. Here the observance of tradition (designation of money or property as *korban*) blocks the observance of a specific divine command, the command to honor one’s father and mother, since money so designated becomes prohibited for use. The observance of the tradition directly and literally prevents the observance of a commandment.<sup>19</sup> The charge of abandoning the command of God and holding to human tradition is expressed one way in the first paragraph and another way in the second.<sup>20</sup>

A much weightier problem is how to reconcile the polemic of the first paragraph (verses 1-8) with that of the third (verses 14–23). In the third paragraph Jesus seems to set aside the food prohibitions of Leviticus 11 and Deuteronomy 14 on the grounds that what defiles the body is not what enters it but what comes out of it. At least this is how the passage, especially the redactional gloss in 7:19, *Thus he declared all foods pure*, has been understood over the centuries by the majority of exegetes, beginning with Origen (ca. 185–ca. 253).<sup>21</sup> But if this is correct, the passage becomes incoherent and illogical. Incoherent, because the first paragraph targets the washing of hands, but this subject is entirely

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<sup>17</sup> Affecting especially Mark 7:4 and the parenthetical remark at 7:19.

<sup>18</sup> This is the point of Luke 11:37–41 and 11:42.

<sup>19</sup> Yarbrow Collins, *Mark: A Commentary*, 352, gives the legal details of *korban*, relying on the work of Moshe Benovitz, *Kol Nidre: Jewish Votive Institutions* (Atlanta: Scholars Press, 1998). Why the Pharisees in particular are blamed here is not clear; the *korban* oath formula had wide distribution, as evidenced by Josephus, *Contra Apionem* 1.167 and various inscriptions (*Corpus Inscriptionum Iudaeae / Palaestinae* vol. 1 [2011], nos. 287, 466, and 528). Cf. too Josephus, *Jewish War* 2.175 and Matthew 27:6.

<sup>20</sup> Matthew 15 smoothes over this difficulty by combining the charges against hand-washing and *korban*.

<sup>21</sup> Thomas Oden and C.A. Hall, ed., *Ancient Christian Commentary on Scripture: New Testament II: Mark* (Downers Grove, IL: InterVarsity, 1998), 99, citing Origen’s *Commentary on Matthew* 11.12.3.

forgotten in the third.<sup>22</sup> Illogical, because in the opening paragraph Jesus attacks the Pharisees and scribes for setting aside the commandment of God, but in the closing paragraph it is Jesus who sets aside the commandment of God. Rejecting the food laws of Leviticus and Deuteronomy would seem to be a much greater rejection of God's command than washing one's hands before eating!

These problems have caused some scholars to argue that Mark's statement that Jesus declared all foods to be pure refers not to the food laws but to the purity laws. Mark's Pharisees, in this view, wished to extend the scriptural purity rules to situations not mandated by scripture; they required the washing of hands before eating, although scripture contains no such requirement. Mark's Jesus opposed this tendency, wishing to narrow the applicability of the purity rules. When Mark has Jesus declare all food pure, Mark has Jesus say that ordinary Jews could eat ordinary food without worrying about purity and impurity.<sup>23</sup> This explanation is better than Origen's, but is still not without difficulties. In the Mishnah and Talmud washing hands before eating is a measure designed to prevent impurity from spreading from the hands to the food; the washing protects the food.<sup>24</sup> But Mark's Jesus seems to think that hand-washing is supposed to prevent impurity from entering the body; the washing protects the body. Furthermore, when Jesus in the final paragraph talks about the impurity caused by fornication, theft, murder, etc. he is speaking about "danger impurity," which modern scholars, at least, distinguish from the ritual impurity that is the context for hand washing. Jesus uses the language of impurity in vs. 20-23 but does not mean by it the same thing that the hand-washers do.<sup>25</sup>

We may safely conclude that these three paragraphs do not sit easily next to each other. We might even wish to conclude that these three paragraphs had nothing to do with each other until Mark united them.<sup>26</sup>

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<sup>22</sup> "Forgotten," as stated by Rudolf Bultmann, *History of the Synoptic Tradition* (Oxford: Blackwell, 1972), 17.

<sup>23</sup> See Peter Tomson, "Jewish Food Laws in Early Christian Community Discourse," *Semeia* 86 (1999): 193–211, and Yair Furstenberg, "Defilement Penetrating the Body: A New Understanding of Contamination in Mark 7.15," *New Testament Studies* 54 (2008): 176–200. The ending supplied by Matthew 15:20 works well in this reading.

<sup>24</sup> See M. Hagigah 2:5; B. Shabbat 14b–15a and B. Hulin 106a. See John C. Poirier, "Why did the Pharisees Wash their Hands? *Journal of Jewish Studies* 47 (1996): 217–33.

<sup>25</sup> Yarbrow Collins, *Mark: A Commentary*, 354–55, citing Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (New York: Oxford University Press, 2000).

<sup>26</sup> See the survey of modern scholarly opinion in Yarbrow Collins, *Mark: A Commentary*, 341–43. Joel Marcus writes that "Mark 7:1–23 is a section that has grown over time." See his *Mark 1–8* (Anchor Bible; New York: Doubleday, 2000), 447.

Why Mark united them is clear, however. Each of the three paragraphs in its own way addresses the question of whether human authority (“tradition”) can supplement divine revelation. A super-human like Jesus can do so – he can even supplant the revelation of the Torah! – but regular humans like the Pharisees and the scribes cannot. The specific points raised by the passage are as follows:

- The Pharisees and scribes uphold the “tradition of the elders.”
- This tradition is of human, not divine, origin.
- The primary example of this tradition is the washing of hands before eating.
- A secondary example is the alienation of funds designated by the *korban* oath formula.
- This tradition opposes the commandment of God.
- God is not pleased with the upholders of this tradition, as is evident from scripture (Isaiah 29:13).
- Jesus mocks the tradition and then rejects it.
- Jesus not only rejects the tradition of hand-washing, he also rejects the Torah’s purity laws (whether these are the laws of *kashrut* or of ritual purity is uncertain) because what defiles the body is not what goes in but what comes out.
- This teaching of Jesus is, we are meant to understand, consonant with the commandment of God.

***B. Eruvin 21b–22a: The word(s) of the scribes and the commandment of God***

I turn now to Mark 7’s antipodal text, B. Eruvin 21b–22a. My translation is based on that of I. W. Slotki in the Soncino Press edition.<sup>27</sup> I have departed from it in various places, most importantly wherever the four manuscripts transcribed in the Lieberman Institute Talmud Text database unanimously support a reading which differs from the text of the standard Vilna edition.<sup>28</sup> After the name of each sage quoted in the text I add in brackets his origin (B = Babylonian, Y = Yisraelian, of the land of Israel), his cohort (T = tanna, a sage of the Mishnaic period; A = Amora, a sage of the talmudic period), and his generation, as determined by Hanoch Albeck.<sup>29</sup> For ease of reference and analysis I have divided the passage into ten paragraphs.

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<sup>27</sup> Ed. Isidore Epstein (London: Soncino, 1938; frequently reprinted). I have used the version on CD published by the Institute for Computers in Jewish Life & Davka Corporation (Chicago, 1991ff).

<sup>28</sup> Lieberman Institute Talmud Text Database, available at <http://www.lieberman-institute.com>. I do not note variants that do not affect meaning. The four manuscripts are: Munich 95; Oxford Oppenheim Add. Fol. 23; Vatican 109; and Vatican 127.

<sup>29</sup> Hanokh Albeck, *Mavo la Talmudim: Introduction to the Talmud Babli and Yerushalmi* (Tel Aviv: Dvir, 1969) index [Hebrew].



1. Rava [BA 4] expounded:<sup>30</sup> what is the meaning of that which is written *The mandrakes yield their fragrance* (Song of Songs 7:14)? These are the young men of Israel who have never tasted sin.

*At our doors are all manner of choice fruits:* these are the young women<sup>31</sup> of Israel who tell their husbands about their doors.<sup>32</sup>

*Both new and old have I kept for you, my beloved:* the congregation of Israel said before the Holy One, blessed be He: Lord of the universe, many more decrees (*gezerot*) have I decreed upon myself than you have decreed upon me, and I have fulfilled them.

2. R. Hisda [BA 3] said to one of the rabbis who was arranging exegetical lore (*aggadeta*) before him:<sup>33</sup>

Do you understand<sup>34</sup> the meaning of *new and old* (Song of Songs 7:14)?

He said to him: The former are the light [or: easy] and the latter are the difficult commandments.

He said to him: Was then the Torah given on different occasions?<sup>35</sup> Rather (explain it thus): the latter (the *old* commandments) are the words of the Torah, while the former (the *new* commandments) are the words of the scribes.<sup>36</sup>

3. Rava [BA 4] expounded: what is the meaning of that which is written *And, furthermore my son, be admonished: of making many books there is no end* (Ecclesiastes 12:12)? My son, be more careful in (the observance of) the words of the scribes than in the words of the Torah,<sup>37</sup> for in the words of the Torah there are positive and negative

<sup>30</sup> Instead of *דרש רבא*, Vatican 109 has *ד"א*, the abbreviation for *davar aher*, "another interpretation."

<sup>31</sup> Instead of "young women" (*בחורות*), Vilna has "daughters" (*בנות*).

<sup>32</sup> I.e. they tell their husbands about their sexual availability (i.e. their menstrual status). Vilna ed. adds "Another reading: who bind up their doors to their husbands," not found in any of the manuscripts (perhaps this phrase entered our text from Rashi; see *Diqduqei Soferim* ad loc. note *nun.*). The word *megadim* ("choice fruits") sounds like *megidot* ("tell") or *ogedot* ("bind up"). Vatican 127 has *shemotrot* ("who loosen" or "who open"). For yet another reading see *Otzar HaGeonim* ad loc. page 89.

<sup>33</sup> What exactly this means (*דהיה קא מסדר אגדתא קמיה*), the text does not explain and I do not know.

<sup>34</sup> Lit. "Have you heard" or "have you received a tradition."

<sup>35</sup> Since the Torah contains both light and difficult commandments, why should they be distinguished as "new" and "old"? Cf. B. Hulin 101b.

<sup>36</sup> Vilna "the latter (the *old* commandments) are (derived) from the words of the Torah, while the former (the *new* commandments) are (derived) from the words of the scribes."

<sup>37</sup> By reading *sefarim*, "books," as *soferim*, "scribes," Rava homiletically reads the verse "be careful in the observance of (the words of) the scribes."

precepts<sup>38</sup>; but, as to the words of the scribes, whoever transgresses the words of the scribes is liable to the death penalty.

If you should say: if they are of real value, why were they not written? (Therefore) scripture stated: *Of making many books there is no end.*<sup>39</sup>

4. *And much study* (in Hebrew *lahag*<sup>40</sup>) *is a weariness of flesh* (Ecclesiastes 12:12 cont.). R. Papa [BA 4] son of R. Aha b. Adda stated in the name of R. Aha [BA 3–4] b. Ulla:<sup>41</sup> This teaches that<sup>42</sup> whoever scoffs at the words of the Sages is condemned (in the afterlife) to boiling excrement.

Rava objected: Is it written “scoffing” (*la’ag*)? (No); what is written is *lahag*! Rather the meaning is: he who meditates (*hogeḥ*) on them tastes the taste of meat.<sup>43</sup>

5. Our Rabbis taught: R. Aqiva (YT 2<sup>44</sup>) was once confined in a prison-house and Joshua<sup>45</sup> the grits-maker<sup>46</sup> was attending him. Every day, they would bring him (Joshua) a specific quantity of water.<sup>47</sup> One day the prison keeper met him and said to him, ‘Your water today is rather much; do you perhaps require it for undermining the prison?’ He poured out half of it and handed him the other half. When he came to R. Aqiva the latter said to him, ‘Joshua, do you not know that I am an old man and my life depends on yours?’ When the latter told him all that had happened, he said to him, ‘Give me some water so that I may wash my hands.’ ‘It will not suffice for drinking,’ the other complained, ‘will it suffice for washing your hands?’ ‘What can I do,’ the former replied, ‘when for (neglecting) it (the washing of hands) one deserves death? It is better that I should bring about my own death rather than transgress the opinion of my colleagues.’ They said: he (R. Aqiva) tasted nothing until he (Joshua) had brought him water and he

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<sup>38</sup> Vatican 109 adds “and there is no liability to the death penalty on their account” (חייבין עליהן מיתהואין), a reading that I do not understand.

<sup>39</sup> Again, by reading *sefarim*, “books,” as *soferim*, “scribes,” Rava homiletically reads the verse “of the making (of words) of the scribes, there is no end.” That is, the words of the scribes cannot be written because they are too many. Cf. B. Gittin 60b.

<sup>40</sup> The actual meaning of *lahag* (להג) is not certain.

<sup>41</sup> Munich 95 “R. Papa the son of R. Aha b. Ada said in the name of Rabbah b. Ula”; Vatican 109, “R. Papa the son of R. Ada b. Ula said in the name of R. Aba”; Vatican 127 and Oxford Opp. “R. Papa the son of R. Aha b. Ada said in the name of Rava b. Ula.”

<sup>42</sup> “This teaches that” omitted in the manuscripts, but is implied in any case.

<sup>43</sup> That is, *much study* leads to *flesh*, meat.

<sup>44</sup> Second generation after the destruction of the temple. See Hanokh Albeck, *Mavo la Mishnah: Introduction to the Mishna* [Hebrew] (Jerusalem: Bialik Institute, 5719/1959, frequently reprinted) 225.

<sup>45</sup> Vilna: R. Joshua.

<sup>46</sup> Alternative explanation in Rashi: from the town of GRS.

<sup>47</sup> They, the prison authorities, would bring him, Joshua the grits-maker, a specific quantity of water for Joshua to bring to R. Aqiva.

washed his hands. When the Sages heard of this incident they said: If he was so (scrupulous) in his old age how much more must he have been so in his youth; and if he so (behaved) in prison how much more (must he have behaved in such a manner) when not in a prison.

6. R. Judah [BA 2] stated in the name of Samuel<sup>48</sup> [BA 1]: When Solomon enacted *eruv*<sup>49</sup> and the washing of hands, a heavenly voice (*bat kol*) issued and proclaimed: *My son, if your heart be wise, my heart will be glad, even mine* (Proverbs 23:15) and, furthermore, it is said in scripture: *My son, be wise, and make my heart glad, that I may answer him who taunts me* (Proverbs 27:11).

7. Rava [BA 4] expounded: what is the meaning of that which is written *Come, my beloved, let us go forth into the field; let us lodge in the villages, let us get up early to the vineyards; let us see whether the vine has budded, whether the vine-blossom has opened and the pomegranates are in bloom; there I will give my love to you* (Song of Songs 7:12-13)?

*Come, my beloved, let us go forth in to the field.* The congregation of Israel spoke before the Holy One, blessed be He: Lord of the universe, do not judge me as you would those who reside in large towns who are guilty of robbery, illicit sex, vain oaths, and false oaths.<sup>50</sup>

*Let us go forth into the field.* Come, and I will show you sages who in poverty busy themselves with the study of Torah.

*Let us lodge in the villages.* Read not *in the villages* (*ba kefarim*) but among the deniers (*ba koferim*). Come and I will show you the sons of Esau<sup>51</sup> upon whom you have bestowed bounty in abundance but who have denied you.

*Let us get up early to the vineyards* – these are synagogues and study houses. *Let us see whether the vine has budded* -- these are the masters of scripture. *Whether the vine-blossom has opened* – these are the masters of Mishnah. *And the pomegranates are in bloom* – these are the masters of Talmud.<sup>52</sup> *There I will give my love to you* – I will show you my glory and my greatness, the praise of my sons and my daughters.

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<sup>48</sup> Munich 95 has “Rav.”

<sup>49</sup> An *eruv* is a legal device which permits the relaxation of a Sabbath restriction, whether the prohibition of carrying an object from one domain to another, the prohibition of traveling beyond the Sabbath limit, or the prohibition of preparing food on a holiday for the Sabbath. Rashi explains that the text means the first of these.

<sup>50</sup> Munich omits “vain oaths,” Oxford Opp. omits “vain oaths” as well as “robbery.”

<sup>51</sup> Munich, Vatican 109, and Vatican 127, “sons of Esau” (עֲשׂוּבֵי); Oxford, “seed of Esau” (זרעו של עשו). Vilna, “those.”

<sup>52</sup> Thus the manuscripts. Vilna has *gemara* (tradition).

8. R. Hamnuna [BA 3]<sup>53</sup> said: What is the meaning of that which is written *And he spoke three thousand proverbs, and his songs were a thousand and five* (1 Kings 5:12)? This teaches that Solomon uttered three thousand proverbs for each and every word of the Torah and one thousand and five reasons for each and every word of the scribes.<sup>54</sup>

9. Rava [BA 4] expounded: What is the meaning of that which is written *And besides that Koheleth was wise, he also taught the people knowledge; he pondered, and sought out, and set in order many proverbs* (Ecclesiastes 12:9)?

*He also taught the people knowledge.* He taught it (the Torah) with signs of accentuation and explained it by analogy.

*He pondered, and sought out, and set in order many proverbs.* Ulla [BA 3] said in the name of R. Eleazar<sup>55</sup>: at first the Torah resembled a basket which had no handles, until Solomon came and made handles for it.<sup>56</sup>

10. *His locks are curled* (Song of Songs 5:11). R. Hisda [BA 3] said in the name of Mar Ukba: this teaches that he (Solomon) expounded<sup>57</sup> piles and piles of laws (*halakhot*) on each and every section.<sup>58</sup>

*and black as a raven.* With whom do you find them (these *halakhot*)<sup>59</sup>?

With the one [Eruvin 22a] who for their sake awaits the dawn and the nightfall in the study house.<sup>60</sup>

Rabbah<sup>61</sup> [BA 3] said: With the one who for their sake blackens his face like a raven.<sup>62</sup>

<sup>53</sup> There seems to have been an earlier R. Hamnuna as well [BA 2].

<sup>54</sup> “And he spoke” is *vayedabber*, alluding to each and every word (*davar*) of the Torah and the scribes.

<sup>55</sup> Vilna has “Eliezer.” The only Babylonian amora named Eleazar listed by Albeck is R. Eleazar of Hagraunya [BA 5]. Albeck does not list an amora named Eliezer.

<sup>56</sup> “He pondered,” is *izen*, which resembles the word *ozen*, “ear” or “handle.”

<sup>57</sup> So all the manuscripts (שהיה דורש מלמד). Vilna: “This teaches that it is possible to expound” (שיש לדרוש מלמד).

<sup>58</sup> So the manuscripts (על כל קוצה וקוצה or כל קוצה וקוצה על). That this is the original text with the meaning “on each and every section” is brilliantly established by Shlomo Naeh, “On Torah Script in the Words of the Sages” [Hebrew], *Leshonenu* 72 (5770/2010): 89–123, at 108–11. Vilna reads “on each and every tittle [lit. thorn]” (על כל קוץ וקוץ), or, if we want to evoke association with Matthew 5:18, perhaps “every jot and tittle.” A tittle is “a dot or other small mark in writing or printing, used as a diacritic, punctuation, etc.” (from dictionary.com).

<sup>59</sup> The antecedent of “them” (במי אתה מוצאן) is not clear, but the subsequent discussion shows that *halakhot*, or perhaps more generally “words of Torah,” must be intended.

<sup>60</sup> The word *orev*, “raven,” resembles the verb *ma'ariv*, “wait until nightfall.”

<sup>61</sup> Munich, name omitted; Vatican 127 omits the entire statement; Vatican 109, “Rava” (probably a mistake, since Rava is the author of the next statement).

Rava<sup>63</sup> [BA 4] said: With the one who can make himself cruel to his children<sup>64</sup> like a raven.<sup>65</sup>

As in the case of R. Adda [BA 5] b. Mattenah. He was about to go away to the school house when his wife said to him, ‘What shall I do with your children?’<sup>66</sup> He said to her: are the herbs<sup>67</sup> in the marsh all gone?

This is a rich and complex passage that I cannot discuss here in full. The passage is built up around four scriptural expositions of Rava (“Rava expounded,” *darash Rava*, 1, 3, 7, 9),<sup>68</sup> which are supplemented by the statements of other Babylonian sages. The ten paragraphs constitute a unity of sorts, connected one to the other by theme, by scriptural reference, or by catch-word. Paragraph 1 sets forth the main theme: out of their love for God the people of Israel have added many decrees to those of the Torah. (This paragraph connects to its context by its citation of Song of Songs 7:14, a verse that had been cited in the previous discussion). Paragraph 2, like paragraph 1, focuses on *new and old* (Song of Songs 7:14); expanding on the idea of paragraph 1, it distinguishes the words of the Torah from the words of the scribes. Paragraph 3 explains that the words of the scribes demand greater punctiliousness in their observance than the words of the Torah. Paragraph 4 threatens a dire punishment in the hereafter for those who scoff at the words of the sages (apparently the same as the words of the scribes). The story in paragraph 5 illustrates R. Aqiva’s devotion to the words of the sages, in particular to the practice of washing hands before meals. Paragraph 6 has a heavenly voice express approval when King Solomon instituted the practice of the washing of hands. With paragraph 7 we return to Song of Songs 7, in this case the verses that come just before the verse featured in paragraph 2, and we return to the theme of paragraph 1, the devotion of the congregation of Israel (*keneset yisrael*) to God and Torah. Paragraph 8 refers, like paragraph 6, to King Solomon, and, like paragraphs 2–3, to the word(s) of the scribes and the words of the Torah. The point of paragraph 9, which again is about King Solomon, is that human activity enhances the Torah, the same point having been made in paragraph 1. This theme continues in the first part of paragraph 10 about King

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<sup>62</sup> Blackens his face by suffering from hunger.

<sup>63</sup> Vatican 127, “Rav.”

<sup>64</sup> Vilna adds “and the members of his household.”

<sup>65</sup> The Soncino translator notes that the raven’s neglect of its brood was proverbial (B. Ketuvot 49b and Bava Batra 8a).

<sup>66</sup> That is, what shall I feed them?

<sup>67</sup> Precise translation uncertain.

<sup>68</sup> Other strings of *darash Rava*: B. Yevamot 77a; Sanhedrin 107a.

Solomon's exegetical activity; the second part of the paragraph ends the whole with statements of devotion to the Torah, akin to paragraph 7.

These ten paragraphs thus link one to the other. Nine of the ten paragraphs feature Babylonian amoraim, mostly of the third and fourth generations (in our chronology, mid- or second half of the fourth century CE). The only exception is paragraph 5, an anonymous story about Rabbi Aqiva, the famous sage of the Mishnah, and his amanuensis Joshua the grits-maker. The editorial introduction ("Our rabbis taught") implies that the story is a bit of tradition from the land of Israel in the second century CE, but this claim is impossible to verify since this story appears nowhere else in ancient rabbinic sources.<sup>69</sup> The story, which fits its context perfectly, may have been manufactured for its inclusion here; if this is correct this paragraph is no less Babylonian than all the others. This point is not important to my case, however, and I do not insist upon it. At least nine of the ten paragraphs are Babylonian.

The ten paragraphs interrupt an otherwise unified discussion about the reward of the righteous and the punishment of the wicked in the world to come, a topic that is nearly absent from our ten paragraphs (the exception is paragraph 4). The "perfectly righteous" (צדיקים גמורים) are mentioned in B. Eruvin 21b just before, and again in Eruvin 22a just after, our ten paragraphs. I do not claim that our ten paragraphs constitute an "interpolation" – every student of the Bavli is familiar with its digressive and meandering style. My argument simply is that our ten paragraphs have a thematic and linguistic coherence that sets them off from the preceding and succeeding material.

The main points of the passage as a whole are the following:

- The people of Israel have, with God's blessing, added to the Torah, expanding upon divine revelation.
- These additions are variously called: "decrees" (גזירות) in paragraph 1; "words of the scribes" (דברי סופרים) in paragraphs 2, 3, and 8; "words of the sages" (דברי חכמים) in paragraphs 4 and 5. Solomon's activity is described with the verb "enacted" (תקן) in paragraph 6, thus implying that the washing of hands and *eruv* are "enactments" (תקנות). Solomon is also said to have "expounded laws" (דרש הלכות) in paragraph 10.
- Violation of the words of the scribes/sages is more serious than a violation of the words of the Torah (paragraphs 2, 3, 4, 5).

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<sup>69</sup> Neither Louis Finkelstein nor I can find any source for this story other than B. Eruvin 21b; see Finkelstein, *Akiba: Scholar, Saint and Martyr* (Philadelphia: Jewish Publication Society, 1936; frequently reprinted), 276 (351) n. 8. On the phenomenon of narrative pseudo-*beraitot* in the Bavli, that is, Babylonian narratives of the amoraic or post-amoraic periods masquerading as genuine *beraitot* of the land of Israel of the Mishnaic period, see Jeffrey Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2010), 214–15.

- “The words of the scribes” are not written (paragraph 3) but oral.
- The primary example of the “words of the sages” is the washing of hands before eating (paragraphs 5 and 6); a secondary example is *eruv* (paragraph 6).
- Solomon, presumably in his capacity as sage, explained the words of the Torah and the words of the scribes (paragraph 8); he made the Torah accessible by making “handles” for it (paragraph 9).
- God is pleased with these human efforts, as demonstrated by scriptural prooftexts (paragraphs 1, 2, 6, 7).
- The people of Israel, in particular their rabbinic virtuosi, devote themselves selflessly to the study of the Torah (paragraphs 7 and 10).

### *The human word and the divine word*

We do not know how the Pharisees defended their tradition against the sort of criticism leveled in Mark 7,<sup>70</sup> but many rabbinic passages reflect on the relationship of the rabbinic enterprise to the Torah of Moses. The range of views is well represented in the Bavli. At the one extreme are such passages as B. Megillah 19b and Berakhot 5a. In the former R. Yohanan says apropos of Deuteronomy 9:10 that “the Holy One, blessed be he, showed Moses the details of the Torah, the details of the scribes, and whatever future scribes would innovate.” In the latter R. Shimeon b. Laqish says apropos of Exodus 24:12 that God gave Moses “the ten commandments... the Torah (scripture)... Mishnah... the Prophets and the Writings... tradition... all these were given to Moses at Sinai.” In a third passage the Bavli invokes the view that at Sinai Moses received two Torahs from God, one written and the other oral (B. Shabbat 31a). Any number of Bavli passages speak of the Oral Torah (esp. B. Temurah 14b and B. Gittin 60a), a subject that is adumbrated in our

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<sup>70</sup> Many modern scholars (e.g. Marcus, *Mark*, 449) attribute to the Pharisees one or another version of the rabbinic theory of the Oral Torah, but there is no basis for doing so. On the contrary, Josephus’ description of the Pharisaic loyalty to the “tradition of the fathers” (*paradosis tôn paterôn*), a phrase that is equivalent to Mark’s “tradition of the elders” (*paradosis tôn presbyterôn*), strongly implies that these traditions were not claimed to be part of the Torah or part of the Sinaitic revelation. See Josephus, *Jewish Antiquities* 13.297 and 408, with the discussion of Albert Baumgarten, “The Pharisaic ‘Paradosis’,” *Harvard Theological Review* 80 (1987): 63–77; E. P. Sanders, “Did the Pharisees have Oral Law?” in his *Jewish Law from Jesus to the Mishnah: Five Studies* (London: SCM Press, 1990) 97–130; Adiel Schremer, “[T]he[y] did not read in the Sealed Book’: The Dead Sea Scrolls and the Emergence of Torah Study in Second Temple Judaism,” in *Historical Perspectives: From the Hasmoneans to Bar Kokhba in the Light of the Dead Sea Scrolls*, ed. David Goodblatt, Avital Pinnick and Daniel R. Schwartz (Leiden: Brill, 2001), 105–26; and Aharon Shemesh, *Halakhah in the Making* (Berkeley: University of California, 2009), 72–106 (“Scripture versus Tradition”).

passage as well (paragraph 3). All of these passages, for all of their differences in nuance and detail, invoke Moses and the revelation at Sinai as the ultimate authority behind rabbinic law.<sup>71</sup> In contrast stands our passage, which does not mention Moses or tradition, does not explicitly cite the theory of either the Oral Torah or of the two Torahs, and would seem to deny the idea that all legal innovation was already known to Moses at Sinai. Our passage instead highlights rabbinic autonomy, the God-approved power of scribes and sages to create “decrees,” “enactments,” and religious law in general.<sup>72</sup>

While rabbinic autonomy is the theme of the entire passage, a subtle but significant shift occurs between paragraphs 1–7 and 8–10. In paragraphs 1–8 the words of the scribes, the words of the sages, their “decrees” and “enactments,” all are independent of the words of the Torah. Violation of one of the words of the scribes is even said to be more serious than violation of one of the words of the Torah.<sup>73</sup> In paragraph 8 the words of the Torah are contrasted with the words of the scribes, but, perhaps as a transition to paragraphs 9–10, Solomon, who seems to be reckoned among the sages (paragraphs 5–6), devotes his energies to explaining the words of the Torah and the words of the scribes. In paragraph 9 Solomon continues his exegetical activities: he adds accents, explanations, and “handles” to the Torah. I am not sure what exactly these handles are, but they are an aid to accessibility; through their aid students can find what they are looking for in the Torah.<sup>74</sup> In paragraph 10 Solomon expounds piles and piles of laws

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<sup>71</sup> On the rabbinic theory of “the Oral Torah,” see Peter Schäfer, “Das ‘Dogma’ von der mündlichen Torah im rabbinischen Judentum,” in *Studien zur Geschichte und Theologie des rabbinischen Judentums* (Leiden: Brill, 1978), 153–97; A. Rosenthal, “The Oral Torah and Torah from Sinai,” in *Mehqerei Talmud II: Talmudic Studies Dedicated to the Memory of Prof. Eliezer S. Rosenthal* (Jerusalem: Magnes, 5753/1993), 448–89; Yaakov Zussman (Sussman), “The Oral Torah” [Hebrew], in *Mehqerei Talmud III: Talmudic Studies Dedicated to the Memory of Professor Ephraim E. Urbach* (Jerusalem: Magnes, 5765/2005) 209–394; and Martin S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism* (New York: Oxford University Press, 2001).

<sup>72</sup> Rashi on our passage s.v. *divrei soferim* and *shelomo tiqqen* explains that the “words of the scribes” refers only to “fences,” that is, severities and decrees to keep people far from sin. Rashi’s explanation was no doubt shaped by the term *gezerot*, and perhaps also by a desire to limit rabbinic freedom (that is, Rashi wants the passage to limit rabbinic freedom to severities and “fences”). But the passage seems to have a much broader perspective than just “fences.”

<sup>73</sup> For the relative severity of scribal or rabbinic injunctions, see M. Sanhedrin 11:3 (and Yerushalmi ad loc.); Y. Berakhot 1.2 3b; B. Berakhot 4b; cf. B. Avodah Zarah 27b.

<sup>74</sup> To explain what Solomon did, Song of Songs Rabbah uses a series of metaphors (one of which is adding “handles” to the Torah); see Song of Songs Rabbah 1:7 p. 2b



(*halakhot*) on each and every section of the Torah. This paragraph implicitly invokes as intertext the Talmudic story about R. Aqiva who is also said to “expound on each and every section heaps and heaps of laws” (B. Menahot 29b).<sup>75</sup> In the continuation of the story, Moses asks God for an opportunity to see R. Aqiva in action. His wish is granted. He sits in the back of R. Aqiva’s academy and, much to his consternation, “does not understand what they are saying.” But when the students ask R. Aqiva for his source about a certain point and he responds “it is a law from Moses at Sinai,” Moses’ equanimity is restored. Exactly how to read this wonderful story is much discussed by modern scholars.<sup>76</sup> The key point is that King Solomon, like his successor R. Aqiva,<sup>77</sup> gives a dazzling display of intellectual prowess in the interpretation of the Torah. Interpretation is a kind of supplementation; in paragraphs 1–7 the sages/scribes add to the Torah outright. In paragraphs 8–10 they add to it by interpreting it.

In Mark 7 Jesus attacks the Pharisees and scribes for upholding human tradition, because by upholding human tradition they slight the word of God. In B. Eruvin 21b–22a the sages and scribes, out of their love of God and God’s Torah, liberally add to the commandments of the Torah, and they do so on their own authority. Human tradition supplements and enriches the word of God.

### Antipodality or polemic?

The confluence of themes between Mark 7 and B. Eruvin 21b–22a is remarkable. Each text has its own rhetoric and points of detail, to be sure, but the question addressed by the two texts is the same: do humans have the authority to add to the divine revelation contained in the Torah? Mark says no,<sup>78</sup> B. Eruvin says yes. In Mark the Pharisees and scribes uphold

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ed. Vilna, translated and discussed in David Stern, *Parables in Midrash* (Cambridge: Harvard University Press, 1991), 63–67.

<sup>75</sup> In the standard texts “each and every tittle,” but the original meaning was probably “each and every section.” See Naeh, “On Torah Script.”

<sup>76</sup> Rubenstein, *Stories of the Babylonian Talmud*, 182–202, especially 186–88, with bibliography.

<sup>77</sup> In paragraph 10 the manuscripts read “this teaches that he (Solomon) expounded.” Perhaps in order not to have Solomon steal R. Aqiva’s thunder, the Vilna edition (following the editions of Pesaro 1515/1518 and Venice 1522) has “This teaches that it is possible to expound.” See note 57 above.

<sup>78</sup> By “humans” I mean “humans using their native human faculties,” thus omitting prophets, visionaries, messiahs, sons of God, and all those who claim divine authority

“the tradition of the elders”; B. Eruvin celebrates “the words of the sages” and “the words of the scribes.” In Mark Jesus mocks<sup>79</sup> the Pharisees and scribes for upholding their tradition, because, he says, their tradition sets aside the word of God. In B. Eruvin anyone who mocks the words of the scribes is threatened with dire punishment in the afterworld, because violating the words of the scribes is an even more severe offense than violating the words of the Torah. Both Mark and B. Eruvin adduce scriptural prooftexts to support their positions, and both Mark and B. Eruvin see the washing of hands before eating as the primary example of this human supplementation of the Torah. In Mark Jesus comes to the defense of his disciples who do not wash hands before eating; in B. Eruvin R. Aqiva explains to his disciple that washing hands before eating must be observed even at the risk of death. The arguments are diametrically opposed one to the other; the texts are antipodal.

May we go further and argue that B. Eruvin 21b–22a is anti-Christian polemic, a response to Christian truth claims? In support of this possibility are two suggestive clues. First, in paragraph 4, R. Papa son of R. Aha b. Adda stated in the name of R. Aha b. Ulla (the chain of tradition is variously transmitted in the manuscripts) that anyone who scoffs at the words of the scribes is punished in the hereafter by immersion in boiling excrement, a punishment somehow derived from Ecclesiastes 12:12.<sup>80</sup> This punishment for scoffers is mentioned in one other Bavli passage (B. Gittin 57a). In a fantastic scene Onqelos, a gentile considering conversion to Judaism, employs necromancy to summon from the underworld three arch-enemies of Israel, Titus the destroyer of the temple, Balaam the prophet, and Jesus (in some texts, Jesus the Nazarene) to solicit their advice. The advice that they give Onqelos is not our concern here; their punishment in the hereafter is. All three are said to be punished with burning or boiling: Titus is burnt anew every day, Balaam is punished in boiling semen, and Jesus is punished in boiling excrement, “for whoever scoffs at the words of the Sages is condemned (in the afterlife) to boiling excrement.” The literary relationship of B. Gittin 57a and B. Eruvin 21b is not clear; that is, we cannot say for sure

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(e.g. Mark 11:27ff). Perhaps I am overstating my case. Perhaps Mark means to reject human tradition only when it is “wrong,” that is, only when it contradicts the commandment of God. Perhaps other human traditions, which do not contradict the commandment of God, are perfectly fine, even when promoted by the Pharisees and scribes. Perhaps. I do not find this convincing because surely (for the meaning of this word see note 85 below) Mark wants to reject all Pharisaic and scribal traditions, because all of them are in some sense “wrong” because they do not derive from God.

<sup>79</sup> The mockery is clear in Mark 7:9.

<sup>80</sup> Exactly how “wearying of the flesh” translates to “boiling excrement” is not clear.

whether the boiling excrement motif originated in B. Gittin or in B. Eruvin (or somewhere else).<sup>81</sup> We can say, however, that an informed reader of the Bavli, one who reads every page in the light of every other, would certainly recognize the connection between the two texts and deduce that paragraph 4 in B. Eruvin 21b is referring to Jesus.<sup>82</sup>

Second clue: in paragraph 7, Rava interprets *Let us lodge in the villages* (Song of Songs 7:12–13) as follows:

Read not *in the villages* (*ba kefarim*) but among the deniers (*ba koferim*).  
Come and I will show you the sons of Esau (alternate reading: the seed of Esau) upon whom you have bestowed bounty in abundance but who have denied you.

Who are these sons of Esau who enjoy divine bounty but nevertheless deny God? Surely Christians and the Christian Roman empire fit the bill. As is well known, in the Bavli and in rabbinic literature generally, Esau frequently represents Rome; in medieval rabbinic literature Esau often represents Christendom and Christianity. The words “sons of Esau” (or its alternate “seed of Esau”) do not appear here in our Vilna edition of the Talmud because they were expunged by Jewish self-censorship; afraid that Christians might think that the passage is anti-Christian, Jewish printers removed the potentially offensive words in order to head off trouble. These Jewish printers clearly thought that the words “sons/seed of Esau” might refer to Christendom.<sup>83</sup>

Is then the editor of our passage targeting Christianity? These two clues are suggestive but not probative. As to the first clue, Jesus in the

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<sup>81</sup> Schäfer, *Jesus*, 89, assesses both possibilities. In favor an origin in B. Gittin is the “boiling” motif; all three malefactors suffer boiling/burning in the next world. In favor of an origin in B. Eruvin are the scriptural proof-text and the attribution to a named *amora*. Schäfer, *Jesus*, 91, conjectures that the boiling excrement motif is a parody of Jesus’ reference to the sewer/latrine in Mark 7:19. I am not convinced by this conjecture in spite of the fact that it fits my thesis perfectly. If the postmortem fecal punishment motif originates in B. Eruvin and its appearance in B. Gittin is secondary, then there is no sign that our Eruvin passage is alluding to Jesus.

<sup>82</sup> An excellent example of this approach to the Bavli is provided by Zvi Septimus, “Trigger Words and Simultexts: The Experience of Reading the Bavli,” in *Wisdom of Bat Sheva: In Memory of Beth Samuels*, ed. Barry Wimpfheimer (Jersey City: Ktav, 2009), 163–85.

<sup>83</sup> The missing words are restored by the anonymous *Hesronot ha shas: Qevutzat ha Hashmatot* (first published 5625/1865, frequently reprinted) ad loc. Note that the Pesaro (1515/18) and Venice (1522) editions still have *zaro shel esav*. After the implicit condemnation of Jesus to an eternity in boiling excrement, a reference to the bounty enjoyed by the non-believers of the line of Esau might have seemed thoroughly inoffensive. My friends Elitzur and Michal Bar-Asher Siegal suggest that the phrase “congregation of Israel” in paragraphs 1 and 7 (ישראל כנסת) may also be a sign of anti-Christian polemic, as they will discuss in a forthcoming study.

underworld: note that Rava rejects the view of R. Papa. There is some ambiguity in Rava's rejection. He clearly rejects any connection between post mortem fecal punishment and Ecclesiastes 12:12. Whether he also rejects the doctrine of post mortem fecal punishment, is not clear.<sup>84</sup> In any case, if the Bavli editor wanted the reader to associate this passage with the passage in B. Gittin about Jesus, surely<sup>85</sup> he should not have let Rava and his rejection have the last word.

As to the second clue, the reference to "sons of Esau": elsewhere in the Babylonian Talmud the phrase "the sons Esau" refers not to contemporary Rome but to biblical time and biblical Esau.<sup>86</sup> The phrase "seed of Esau," which appears here in at least one manuscript and some early printed editions, is used in eschatological contexts in the Bavli, but in those contexts we are not told that Rome is Christian.<sup>87</sup> The Rome that Esau represents in the Bavli can be either pagan or Christian.<sup>88</sup> Hence while Christians and Christianity might be the intended targets of paragraph 7 of B. Eruvin 21b, we cannot be sure; perhaps the seed of Esau refers to Romans of all sorts, Christian or pagan, all of whom deny God, in spite of God's gift of empire.

On the basis of the evidence presented here may we conclude that B. Eruvin 21b–22a is "anti-Christian"? If by "anti-Christian" we mean "intended as a reply to Mark 7," I believe that the answer to the question must be "no," since we have no indication that the editors of this Bavli passage knew that passage from the New Testament. If by "anti-Christian" we mean "intended as a reply to Christian truth claims that ultimately derive from Mark 7," I believe that the answer to the question must be "maybe." The Bavli passage *may* be anti-Christian, to be sure,

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<sup>84</sup> Tosafot R. Peretz and other commentators argue that Rava accepts the doctrine of postmortem fecal punishment and merely questions its connection with this verse; see *Tosafot Rabbenu Peretz Hashalem: Eruvin* [Hebrew], ed. H. Dickman (Jerusalem, [5]756 = 1996), 64, and *Diqduqei Soferim* ad loc. note *bet*. Perhaps these commentators were motivated by a desire to keep Jesus mired in excrement. Rava believes that "whoever transgresses the words of the scribes is liable to the death penalty" (paragraph 3), but does not necessarily believe that "whoever scoffs at the words of the Sages is condemned (in the afterlife) to boiling excrement" (paragraph 4).

<sup>85</sup> Ohne Zweifel = mit Zweifel.

<sup>86</sup> B. Sotah 13a and Sanhedrin 59b; see also B. Taanit 10b and Hulin 60b in the manuscripts of the Lieberman Institute database. Midrashic usage is different of course.

<sup>87</sup> B. Pesahim 5a, Gittin 57b, Bava Batra 123b.

<sup>88</sup> See the classic essay of Gerson D. Cohen, "Esau as Symbol," in his *Studies in the Varieties of Rabbinic Cultures* (Philadelphia: Jewish Publication Society, 1991), 243–69, especially 249, and now Carol Bakhtos, "Figuring (out) Esau: The Rabbis and their Others," *Journal of Jewish Studies* 58 (2007): 250–62. Yisrael Yuval has not convinced me that many a Talmudic Esau refers to Christendom; see his *Two Nations in your Womb* (Berkeley: University of California Press, 2006), 1–26.

but the evidence in support of this possibility is suggestive, at best. The passage could just as easily be anti-something-else.<sup>89</sup> Within Babylonian Jewish society, whether under the influence of Christians or not, there may well have been Jews who slighted the washing of hands, and our passage in the first instance has them in mind.<sup>90</sup> There are too many possibilities here and not enough evidence to tie our passage to Christianity. Hence, perhaps out of a superabundance of caution, I prefer to retreat to the notion of antipodality, the main advantage of which is that it frees us from making a definitive statement about the intentions of the editor of the passage. Perhaps he intended the passage to be a response to Christian truth claims, perhaps he didn't

### *Conclusion*

B. Eruvin 21b–22a is an important passage on the Bavli's conception of rabbinic authority. The sages are not said to be prophets or filled with holy spirit or privy to divine secrets or arcane knowledge. The content of their sayings and rulings is not said to derive from Moses at Mt. Sinai. Nevertheless they are empowered to supplement the Torah. They add decrees and enactments that are no less binding for being unwritten. These are "the words of the scribes," also called "the words of the sages." As verses in Song of Songs attest, the congregation of Israel stands before God and rightly takes pride in its devotion to the divine Torah and its human supplements. God is pleased. A prime example of a practice that has no basis in the Torah but which nevertheless commands obedience as a word of the scribes/sages is the washing of hands before eating.

What prompted this amazing paean to the power of the sages to legislate? We can't be sure; Christian truth claims growing out of Mark 7:1–23 are one possibility. We do not know, and have no way of determining, whether the editor of B. Eruvin knew, or knew of, Mark 7; consequently we cannot be sure that responding to Christianity was the intent of the passage. However, the truth claims of B. Eruvin 21–22a line up neatly with the truth claims of Mark 7:1–23, except that the one affirms and glorifies what the other denies and besmirches. These are antipodal texts. As research advances and evidence accumulates for possible rabbinic knowledge of the textual sources of Christianity, perhaps then we might conclude that B. Eruvin 21b–22a is a rabbinic reply to Mark 7:1–23. But not yet.

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<sup>89</sup> Yaakov Elman suggests that Rava's homily in paragraph 3 is anti-Manichean; see his "Middle Persian Culture," 177–79.

<sup>90</sup> B. Berakhot 19a; B. Sotah 4b; B. Shabbat 62b; cf. M. Eduyot 5:6.